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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/734,678	12/13/2000	Koichi Nagaki	041465-5093	4677

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EXAMINER

TRAN, DALENA

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 01/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/734,678

Applicant(s)

NAGAKI, KOICHI

Examiner

Dalena Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17 is/are allowed.
- 6) ☒ Claim(s) 1-7, 9, 10 and 12-16 is/are rejected.
- 7) ☒ Claim(s) 8 and 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Notice to Applicant(s)

1. This office action is responsive to the amendment filed on 10/14/03. Claims 1-17 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 4-5, 9-10, and 13-16, are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakayama (5,742,924) in view of Ninagawa (6,075,467).

As per claim 1, Nakayama discloses a navigation system comprising: a present position detecting device for detecting a present position (see column 7, lines 5-24), a plurality of memory devices each capable of reading out road map data which is recorded therein (see column 7, lines 25-46), and a navigation controlling device for controlling a navigation operation in correspondence with the detected present position by using the map data (see column 7, lines 46-53). Nakayama does not disclose accessing one of the memory devices, which is selected in accordance with a predetermined condition. However, Ninagawa discloses a road map data reading device for accessing one of the memory devices, which is selected in accordance with a predetermined condition, and reading out the map data required for the navigation operation therefrom (see columns 5-6, lines 55-36; and columns 7-8, lines 30-9). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach

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of Nakayama by combining accessing one of the memory devices, which is selected in accordance with a predetermined condition for satisfying appropriate selection condition that a user request for a route to a destination.

Also, as per claim 2, Ninagawa discloses road map data reading device selects the memory device to be accessed, which is indicated by a priority flag set in advance (see column 3, lines 33-65; and column 4, lines 38-54).

As per claim 4, Nakayama does not disclose selects the memory to be accessed, in accordance with management information of the map stored in the memory device. However, Ninagawa discloses map data reading device selects the memory to be accessed, in accordance with management information of the map stored in the memory device (see column 8, lines 50-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Nakayama by combining map data reading device selects the memory to be accessed, in accordance with management information of the map stored in the memory device for selecting map information according to a current location of a vehicle and satisfy the requirement of the users.

As per claim 5, Nakayama discloses management information storage device for extracting the management information from the memory device and holding the extracted management information respectively (see column 16, lines 29-38).

As per claim 9, Nakayama discloses a navigation system comprising: a present position detecting device for detecting a present position (see column 7, lines 6-24), a first memory device capable of reading out road map data, a second memory device capable of reading and writing the road map data thereinto (see column 7, lines 25-46), a navigation controlling device

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for controlling a navigation operation in correspondence with the detected present position by using the road map data (see column 7, lines 46-53), and a road map data transferring device for controlling first memory device to read out the road map data from record medium at a predetermined timing, and then transferring and storing the read out road map data to second memory device (see column 10, lines 46-59). Nakayama does not disclose select one of the first and second memory devices in accordance with a predetermined condition. However, Ninagawa discloses a road map data reading device for accessing one of the memory devices, which is selected in accordance with a predetermined condition, and reading out the road map data required for the navigation operation therefrom (see columns 5-6, lines 55-36; and columns 7-8, lines 30-9). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Nakayama by combining accessing one of the memory devices, which is selected in accordance with a predetermined condition for satisfying appropriate selection condition that a user request for a route to a destination.

As per claim 10, Nakayama discloses a management information storage device for extracting management information of the road map data in first memory device and management information of the road map data in second memory device, and holding the extracted management information respectively (see column 16, lines 29-38), road map data transferring device selects the map data to be transferred in accordance with the management information (see column 10, lines 46-59). Nakayama does not disclose select one of the first and second memory devices in accordance with the management information. However, Ninagawa discloses road map data reading device selects one of first and second memory devices in accordance with the management information (see columns 5-6, lines 55-36; and columns 7-8,

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lines 30-9). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Nakayama by combining select one of the first and second memory devices in accordance with the management information to provide a driver with appropriate road map information for the route navigation.

As per claim 13, Nakayama discloses road map data transferring device transfers the road map data when record medium is set to first memory devices (see column 13, lines 11-31).

As per claims 14-15, Nakayama discloses second memory devices is capable of writing and reading the road map data at an access speed faster than that of first memory devices and second memory devices comprises a hard disc device (see column 13, lines 45-62).

As per claim 16, Nakayama discloses a plurality of block road map data, which are obtained by dividing a whole map for each unit block, are recorded in record medium, road map data reading device reads the block map data (see column 8, lines 19-25), and road map data transferring device transfers the block map data (see column 13, lines 11-31).

4. Claims 3,7, and 12, are rejected under 35 U.S.C.103(a) as being unpatentable over Nakayama (5,742,924), and Ninagawa (6,075,467) as applied to claims 1,5, and 10 above, and further in view of Hirono (6,246,958).

As per claim 3, Nakayama, and Ninagawa do not disclose the latest updated map data. However, Hirono discloses road map data reading device selects the memory device to be accessed, which is capable of reading out the road map data updated at the latest (see columns 1-2, lines 65-28; column 5, lines 25-35). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Nakayama, and Ninagawa by combining reading out the map data updated at the latest to provide the user most recent map

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data according to the present navigation route that a user drive through to avoid confusion when the old map does not match a street that is current change.

As per claim 7, Nakayama, and Ninagawa do not disclose management information storage device holds date and time information. However, Hirono discloses management information storage device holds date and time information indicative of date and time when the road map data is updated (see the abstract; and column 2, lines 29-47), and road map data reading device selects the memory device to be accessed, which is capable of reading out the road map data corresponding to the date and time information indicative of latest date and time (see column 3, lines 3-59). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Nakayama, and Ninagawa by combining management information storage device holds date and time information indicative of date and time when the map data is updated, and map data reading device selects the memory device to be accessed, which is capable of reading out the map data corresponding to the date and time information indicative of latest date and time for keep track of the date data retained in a database and the dates at which map data of various areas were registered therein are compared with date data corresponding to the map data retained in an apparatus utilized by the user and for comparison, the map data and the date data in the apparatus utilized by the user are each updated automatically.

As per claim 12, Nakayama, and Ninagawa do not disclose management information storage device holds date and time information and compare the date and time information of the road map data older to be transferred. However, Hirono discloses management information storage device holds date and time information indicative of date and time when the road map

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data is updated and road map data transferring device compares the date and time information of the road map data in first memory device with second memory device, and selects the road map data, whose date and time in second memory device is older than that in first memory device, as the road map data to be transferred (see columns 6-7, lines 7-35). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Nakayama, and Ninagawa by combining discloses management information storage device holds date and time information indicative of date and time when the map data is updated and map data transferring device compares the date and time information of the map data in first memory device with second memory device, and selects the map data, whose date and time in second memory device is older than that in first memory device, as the map data to be transferred to provide the car navigation system with more recent map data.

5. Claim 6, is rejected under 35 U.S.C.103(a) as being unpatentable over Nakayama (5,742,924), and Ninagawa (6,075,467) as applied to claim 5 above, and further in view of Aoki et al. (6,304,212).

As per claim 6, Nakayama, and Ninagawa do not disclose name of the road map data. However, Aoki et al. disclose management information storage device holds name information indicative of a name of the road map data (see columns 1-2, lines 57-24), and map data reading device selects the memory device to be accessed, in which a presence of the map data is confirmed in accordance with the name information (see columns 3-5, lines 23-7). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Nakayama, and Ninagawa by combining management information storage device holds name information indicative of a name of the map data, and map data reading device selects the

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memory device to be accessed, in which a presence of the map data is confirmed in accordance with the name information to provide an accurate map for the user selections.

6. Claims 8, and 11, objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 17 is allowable.

Remarks

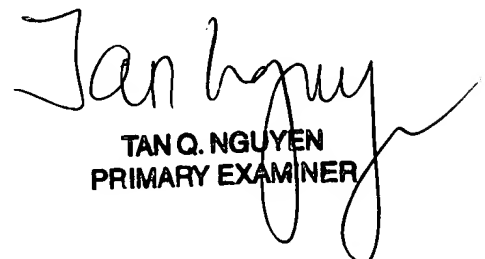
7. Applicant's argument filed on 10/14/03 has been fully considered and they are deemed to be persuasive. However, upon updated search, the new ground of rejection has been set forth as above.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalena Tran whose telephone number is 703-308-8223. The examiner can normally be reached on M-F (7:30 AM-5:30 PM), off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski can be reached on 703-308-3873. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

/dt
January 21, 2003


TAN Q. NGUYEN
PRIMARY EXAMINER